

**MICHELE FOLLMAN
MCFARLIN vs WORD ENTERPRISES**

December 05, 2017

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		Page 1			Page 3
1	IN THE UNITED STATE DISTRICT COURT		1	I N D E X	
2	FOR THE EASTERN DISTRICT OF MICHIGAN		2	WITNESS:	PAGE:
3	SOUTHERN DIVISION		3	M I C H E L E F O L L M A N	
4			4		
5	CHAD MCFARLIN, individually		5	Examination by Mr. Blanchard	4
6	and on behalf of all		6		
7	similarly situated persons,		7		
8	Plaintiffs,		8		
9			9	*** * * * *	
10	vs.	Civil Action No:	10		
		2:16-cv-12536			
11		HON. GERSHWIN A. DRAIN	11	E X H I B I T S	
12	THE WORD ENTERPRISES, LLC,		12	EXHIBITS:	PAGE:
	et al.,		13		
13			14	Deposition Exhibit No. 25	51
14			15		
	Defendants.		16		
15			17	*** * * * *	
16	_____ /		18		
17			19		
18			20		
19	The Deposition of MICHELE FOLLMAN was taken		21		
20	before me, Barbara Phillips, (CER #5598) and Notary		22		
21	Public, in and for the County of Washtenaw, State of		23		
22	Michigan, at 221 N. Main Street, Suite 300, Ann		24		
23	Arbor, Michigan, on Tuesday, December 5, 2017, at		25		
24	1:45 p.m.				
25					
		Page 2			Page 4
1	APPEARANCES:		1	Ann Arbor, Michigan	
2			2	Tuesday, December 5, 2017	
3	DAVID M. BLANCHARD (P67190)		3	1:45 p.m.	
4	221 N. Main Street, Suite 300		4		
5	Ann Arbor, Michigan 48104		5	*** * * * *	
6	734-929-4313		6		
7			7	MICHELE FOLLMAN	
8	Appearing on behalf of the Plaintiffs.		8	after having been first duly sworn to tell the	
9			9	truth, the whole truth, and nothing but the	
10			10	truth, was examined and testified upon her	
11	JEFFREY S. THEUER (P44161)		11	oath as follows:	
12	124 West Allegan Street, Suite 700		12		
13	Lansing, Michigan 48933		13	*** * * * *	
14	517-482-2400		14	E X A M I N A T I O N	
15			15	BY MR. BLANCHARD:	
16	Appearing on behalf of the Defendants.		16	Q. Thank you, Ms. Follman. You've been here the whole	
17			17	time during part one and part two of Mr. Dittrich's	
18	*** * * * *		18	testimony; is that correct?	
19			19	A. Yes.	
20	REPORTED BY: Barbara Phillips,		20	Q. And he has been speaking on behalf of the companies,	
21	(CER #5598)		21	defendant companies pursuant to what we marked	
22	and Notary Public.		22	previously. We've got these exhibits in front of	
23			23	you. The re-notice of the deposition is Exhibit 16	
24			24	which I'm showing you right now. It's in front of	
25	ALSO PRESENT: Kevin Dittrich		25	you. And you've been designated as somebody who can	

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<p style="text-align: right;">Page 5</p> <p>1 answer some of the additional questions and you've 2 heard what those questions are and stuff, right? 3 A. Yes. 4 Q. And you've heard the testimony of Mr. Dittrich. Was 5 there anything as to the topics that we're noticing 6 in this deposition that I asked about, anything in 7 particular that stands out that needs to be 8 corrected or was incorrect in any way? 9 A. No. 10 Q. I'd like you to turn to Exhibit 17 which is the next 11 one here and that's your affidavit. I'm going to 12 ask you about that one. Who, if anyone, helped you 13 prepare this document? 14 A. Counsel. 15 Q. Anyone other than counsel? 16 A. No. 17 Q. And what was your understanding of the purpose of 18 this document? 19 A. I'm not sure. 20 Q. Like, for instance, were you under the understanding 21 that this was for the purpose of informing the 22 expert or the accountant on certain business 23 practices? 24 A. I'm not sure. 25 Q. Do you know what the purpose of it was really?</p>	<p style="text-align: right;">Page 7</p> <p>1 A. We use the tip credit to get them to minimum wage 2 with their compensation for their vehicle costs. So 3 not just the minimum wage, but with their costs 4 included. 5 Q. What components of the money that's given to the 6 drivers is intended to be a reimbursement for their 7 mileage? 8 A. It's the whole -- the package. Their wages, their 9 compensation per delivery and their tips. 10 Q. So are you saying that there is no specific portion 11 of a driver's money that they receive that's 12 intended to be reimbursement for driving expenses? 13 A. Can you ask that again one more time? 14 Q. Yeah. I want to get a clear answer and I want to be 15 clear about what the question is, too, so I'm not 16 doing the best job. Is there any particular piece 17 of the money that changes hands between the 18 defendant companies and the driver that's intended 19 and designated as reimbursement for the expense 20 incurred by the drivers? 21 A. That is only designated for that expense? 22 Q. That is designated at all or in part as 23 reimbursement for the expense incurred by the 24 drivers. 25 A. I would say yes.</p>
<p style="text-align: right;">Page 6</p> <p>1 A. I don't know. I answered the questions my lawyer 2 asked me. 3 Q. In paragraph eight of your affidavit declaration 4 here -- are you familiar with it by the way? Do you 5 need to take time to read it or review it? 6 A. I'm familiar. 7 Q. In paragraph eight you testify the driver employees 8 at the two operating companies -- this was before 9 Durand was added, were not paid on the basis of 10 minimum wage plus vehicle reimbursement. Why did 11 you say that? 12 A. We did not pay a minimum wage plus reimbursement 13 there. We used the tip credit to get them to 14 minimum wage with their compensation for the vehicle 15 costs. 16 Q. So all you're saying in that particular sentence, 17 the first sentence of paragraph eight, is that you 18 were using the tip credit and paying a cash wage 19 that was below the minimum wage rather than on the 20 basis of minimum wage and vehicle reimbursement? 21 MR. THEUER: I'll object to the 22 characterization, but go ahead and answer. 23 BY MR. BLANCHARD: 24 Q. I'm just trying to understand what you're trying to 25 say there?</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Can you tell me what that is? 2 A. If I'm understanding you correctly then part of 3 their pay package with the tips. The hourly pay and 4 compensation goes to reimbursing them their vehicle 5 costs. 6 Q. Which part of that? 7 A. It's a package deal so I mean there's nothing 8 specifically designated just to that. 9 Q. So we talked in your prior testimony about a 10 delivery fee that's paid to drivers? 11 A. Yes. 12 Q. And that was 75 cents per delivery? 13 A. Yes. 14 Q. Plus, at the Laingsburg location it was something 15 different. It was \$1,75 and now I guess it's 2.75, 16 right? 17 A. Yes. 18 Q. And now is the base delivery fee that's paid still 19 75 cents or is it a dollar? 20 A. 75 cents still. 21 Q. And that's for all the defendant stores? 22 A. Yes. 23 Q. And we had a question about the cash wage that's 24 paid to drivers at all defendant stores. Is it 25 still \$5 for all the drivers?</p>

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<p style="text-align: right;">Page 17</p> <p>1 THE CLERK: Okay. So you're in the middle of a 2 30(b)(6) deposition and you have an issue about a 3 particular line of questioning you say and you want 4 the judge to decide the issue now?</p> <p>5 MR. BLANCHARD: Yeah.</p> <p>6 THE CLERK: Is that what you're asking?</p> <p>7 MR. BLANCHARD: Yes, if it's his practice to 8 hear discovery disputes of this sort. I mean the 9 other alternative is we'd have to adjourn the 10 deposition which the defendants have told us they 11 would object to that as well.</p> <p>12 THE CLERK: In this case has the discovery -- 13 and what specifically, I guess, is the question?</p> <p>14 MR. BLANCHARD: Whether the deponent should be 15 directed to answer the question or another person 16 that can answer the question can be designated?</p> <p>17 THE CLERK: Hold on one second.</p> <p>18 (Break in proceedings at 2:07 p.m.)</p> <p>19 (Back on the record at 2:09 p.m.)</p> <p>20 THE CLERK: Hello. The judge is unavailable at 21 the moment. I don't know if there's a magistrate 22 judge you want to call, I guess, about the discovery 23 issues that have been referred to or if you want to 24 call back later on.</p> <p>25 MR. BLANCHARD: Okay. Do you know if it's the</p>	<p style="text-align: right;">Page 19</p> <p>1 considered to be taxable compensation to the driver. 2 A. No.</p> <p>3 Q. In your affidavit you refer at one time to a mistake 4 that was made where credit card tips were paid out 5 twice?</p> <p>6 A. Yes.</p> <p>7 Q. And for what period of time did that occur and in 8 what locations?</p> <p>9 A. I don't remember the exact period of time. I 10 believe --</p> <p>11 Q. Was it in April of 2016 was when the error was 12 found?</p> <p>13 A. April of 2016 is when the error was found.</p> <p>14 Q. And did it go all the way back to November 2014?</p> <p>15 A. Not that far back. I believe it was about a year, 16 but I'm not specific on the dates.</p> <p>17 Q. And was that an error that was occurring in the 18 books at all locations or just the Perry location?</p> <p>19 A. Not all locations. I believe it was Perry and 20 Haslett, but I'm not a hundred percent sure.</p> <p>21 Q. It was more than one store?</p> <p>22 A. It was more than one store.</p> <p>23 Q. Did that error occur at the Durand store?</p> <p>24 A. No, I don't believe so.</p> <p>25 Q. Did that error occur at the St. Johns store?</p>
<p style="text-align: right;">Page 18</p> <p>1 judge's preference to terminate the deposition and 2 bring a motion on the issue?</p> <p>3 THE CLERK: No. I can't -- bringing a motion I 4 think is the best practice and I think it's the 5 ordinary practice.</p> <p>6 MR. BLANCHARD: Okay.</p> <p>7 THE CLERK: Yeah. It's uncommon for things to 8 just be handled over the phone especially like not 9 on the record. Yeah, that would be my suggestion.</p> <p>10 MR. BLANCHARD: Okay. Thank you.</p> <p>11 THE CLERK: All right. Thank you.</p> <p>12 MR. BLANCHARD: Off the record.</p> <p>13 (Break in proceedings at 2:10 p.m.)</p> <p>14 (Back on the record at 2:19 p.m.)</p> <p>15 MR. BLANCHARD: Let me ask a slightly different 16 question. It looks like we're going to have to 17 bring a motion to come back to the question that we 18 were dealing with before.</p> <p>19 BY MR. BLANCHARD:</p> <p>20 Q. A slightly different question. Of the delivery fees 21 that were paid to drivers at the end of the night in 22 cash was there any portion of that that was taxable 23 compensation to the driver?</p> <p>24 A. That the drivers pay taxes on?</p> <p>25 Q. Yeah. That the company that's paying this money</p>	<p style="text-align: right;">Page 20</p> <p>1 A. It might have. I'm not sure on that.</p> <p>2 Q. I want to turn your attention to Exhibit 20. It 3 should have a tag on it. It's a spreadsheet I 4 believe you prepared. You have that in front of you 5 now?</p> <p>6 A. Yes.</p> <p>7 Q. Did you prepare this document?</p> <p>8 A. I prepared the data for the document, yes.</p> <p>9 Q. Who inputted the data?</p> <p>10 A. Counsel.</p> <p>11 Q. And what form did you prepare the data in?</p> <p>12 A. In an Excel sheet also.</p> <p>13 Q. So what are you suggesting, just like the titles and 14 formatting were done by counsel or something else?</p> <p>15 A. Yeah.</p> <p>16 Q. Just the titles and formatting?</p> <p>17 A. Yes.</p> <p>18 Q. In the document that you prepared did it have 19 formulas within the document like, you know, take 20 this cell and times this one and then come up with 21 another one?</p> <p>22 A. Yes.</p> <p>23 Q. And do you have a copy of this final document with 24 the -- does it have formulas in it, this version as 25 well if you know?</p>

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1 A. This one here?	1 A. The regular wages would be the in store hours and
2 Q. Yes.	2 then the on the road hours.
3 A. Yes.	3 Q. The cash wage?
4 MR. BLANCHARD: I think at some point we're	4 A. The cash wage paid. The gross pay for those.
5 gonna need -- just so we understand where the math	5 Q. Okay. Go ahead.
6 is going in here, where the calculations are coming	6 A. The credit card tips would be the reported credit
7 from, we're gonna need an electronic format of this.	7 card tips that the computer kept track of. And then
8 As far as I know I've only gotten this small PDF.	8 the estimated cash tips is what we estimated based
9 Will you be able to provide that?	9 on our findings of cash tips to be, what they should
10 MR. THEUER: I don't know with certainty, but	10 have made for cash tips at that time period.
11 we can explain anything.	11 Q. So these three columns you just explained here are
12 MR. BLANCHARD: Well, I am going to ask her	12 in your formula considering the three parts of the
13 what she knows, but I think the simplest way to get	13 driver's wages; is that right?
14 this kind of information is going to be in a	14 A. Three parts, yes.
15 spreadsheet that speaks for itself.	15 Q. And part of the driver's wages you're saying you
16 BY MR. BLANCHARD:	16 estimated?
17 Q. So you prepared for each week the information that's	17 A. The cash tips were estimated. We did not have
18 found on this sheet, Exhibit 20?	18 actual numbers for those, but we used a formula to
19 A. Yes.	19 figure it out.
20 Q. And in the first three columns -- well, the first	20 Q. Did you do tax withholding on the total of those
21 column it says date of pay and that's the actual pay	21 three columns?
22 date, right?	22 A. On the regular wages and the credit card tips there
23 A. Yes, the check.	23 was tax withholding.
24 Q. And in the three columns after that you have the	24 Q. And what is your basis for believing that the store
25 hours in store, hours out of store, and total number	25 is entitled to count the tips paid by a customer to
Page 22	Page 24
1 of hours, right?	1 a driver as wages?
2 A. Yes.	2 A. Because they're a tipped employee and we use the tip
3 Q. And then the pay rate in store and road because	3 credit.
4 there's a split wage system and it looks like it	4 Q. And how does the tip credit work to your
5 went to 8.50 at some point?	5 understanding?
6 A. Yes.	6 A. To my understanding we pay them -- well, we're
7 Q. And then if I look at the column for January 14th of	7 paying them \$5 an hour and they make up the
8 2016 or I should say the row for January 14th of '16	8 difference between that and the minimum wage
9 and it says the rate is 8.50, and then I look over	9 inputting all the reimbursements to the minimum
10 to the -- you inputted this column total minimum	10 wage. To the 8.15, 8.50, 8.90, whatever the minimum
11 wage to be paid, right?	11 wage is at that time.
12 A. Yes.	12 Q. The store gets to take a credit and treat as wages
13 Q. Would we expect that to be -- the full minimum wage	13 that portion that brings it up to the minimum wage?
14 at that point would be 8.50 times the total number	14 A. Yes.
15 of hours?	15 Q. And that portion of tips paid to the driver that's
16 A. Yes.	16 above the minimum wage, are you saying it's your
17 Q. So that's the kind of thing. If I look at this	17 understanding or your belief that the store gets to
18 column and the data behind it it would say take	18 treat those as wages as well?
19 column three, total hours, multiply by column four,	19 MR. THEUER: I'll object to the extent that it
20 minimum wage, equals that column six?	20 calls for a legal conclusion, but you can answer if
21 A. Yes.	21 you can.
22 Q. And then tell me what the next three columns are.	22 THE WITNESS: I don't know the answer. I don't
23 Regular wage paid, credit card tips, and I think the	23 know.
24 next one says estimated cash tip paid, and tell me	24 BY MR. BLANCHARD:
25 where you got those numbers.	25 Q. Let's look -- I'm going to come back to this Exhibit

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1 20. It's definitely going to be a touchstone we'll 2 talk about today, but I wanted to direct you to 3 Exhibit 18 which is the minimum wage notice for 4 tipped employees. And Mr. Dittrich directed me to 5 you to ask some of these questions about this 6 notice. You already testified to it. We don't need 7 to repeat it all, but this is a notice that was 8 posted at each of the defendant stores, right? 9 A. Yes. 10 Q. And that was for a period of time that probably 11 would have been around 2014 to the end of 2015? 12 A. Yes. 13 Q. And then in 2016 the minimum wage went up. Was 14 there a new notice prepared in the same format as 15 this one and then pasted at the stores? 16 A. Yes. 17 Q. And then it's going up -- has it gone up from 8.50? 18 A. Yes. 19 Q. What's the current minimum wage? 20 A. 8.90. 21 Q. And when it went up to 8.90 was it the same -- well, 22 let me ask it, was there a similar notice posted 23 that has the 8.90 number on it? 24 A. I believe so. 25 Q. Was it made off the same template? Was it like the	1 A. No. 2 Q. Have you done any studies yourself of what a 3 reasonable reimbursement is or what factors should 4 be considered in a reasonable mileage reimbursement 5 for employees? 6 A. No. 7 Q. So let's go back to Exhibit 20 again and then next 8 we talked about the wages part. So when you're 9 reporting on this spreadsheet the total wages paid 10 you're counting the cash wage, plus the credit card, 11 all tips. Not just the portion that's between the 12 cash wage and 8.15 an hour, but all credit card tips 13 reported, plus an estimated cash tip, right? You're 14 counting all of those things as wages? 15 A. Yes. 16 Q. The next column is driver commission paid? 17 A. Yes. 18 Q. Well, let me ask this way, did you put the name 19 driver commission paid in the title there? 20 A. I don't remember. 21 Q. Is that -- I'm sorry. Go ahead. 22 A. I don't remember if that was my wording or theirs. 23 Q. Do you usually call it driver commission, the 24 delivery fee that we were talking about? 25 A. Yes.
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1 exact same notice except just the number was 2 changed? 3 A. It's a part of our labor law poster. 4 Q. Oh, that says what the minimum wage is? 5 A. Yes. 6 Q. But I'm asking in the format of Exhibit 18 -- 7 A. There is a portion on the labor law poster that has 8 the tipped wage information on it. It's in pretty 9 much the same format. 10 Q. Was there a version of Exhibit 18 that was posted 11 with the new rates that came out? 12 A. Yeah. I believe so, yeah. 13 Q. And it says here we apply the difference between 14 your regular hourly rate and 8.15 as a quote, "tip 15 credit" for each hour worked. That's the heart of 16 the tip credit, right, where a portion of the tips 17 get to be treated as wages? 18 A. Yes. 19 Q. And the amounts in this case when it was the 8.15 20 minimum wage, the amounts over 8.15 are tips from 21 the customer to the driver that belong to the 22 driver, right? 23 A. Yes. 24 Q. Exhibit 23 is this reimbursement sheet. Have you 25 seen that before?	1 Q. And that is the delivery fee we were talking about 2 that appears in that column, right? 3 A. Yes. 4 Q. And that was -- just so I have this right, for all 5 of the numbers in that column on Exhibit 20, the 6 so-called driver commission paid, that was never 7 subject to a withholding tax reported on a paycheck 8 or reported to the IRS at the end of the year, 9 correct? 10 A. Yes. 11 Q. Yes, that's correct? 12 A. Yes, that's correct. 13 Q. So the next column over you have total wages, tip 14 and commission paid. So that's just an adding up of 15 the previous four columns, right? 16 A. Yes. 17 Q. Treated as wages, the total amount of estimated tips 18 the driver receives, plus the untaxed so-called 19 driver commission, and total all that up together 20 for the driver commission paid -- total wages, tip 21 and commission paid? 22 A. Yes. 23 Q. And again, do you remember if you gave it that title 24 or if somebody else gave it that title? 25 A. I don't remember.

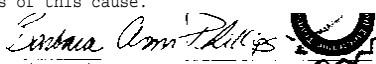
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<p>1 right, in Exhibit 25?</p> <p>2 A. Of what the computer keeps track of, yes.</p> <p>3 Q. And then Exhibit 21, TWE000367, that's another</p> <p>4 payroll summary report?</p> <p>5 A. Yes.</p> <p>6 Q. And that's 3-1 through 5-31-2016. So that would</p> <p>7 overlap some of the same weeks as the payroll report</p> <p>8 that we looked at in Exhibit 25, right?</p> <p>9 A. Yes.</p> <p>10 Q. Is there a reason why the period in this Exhibit 21</p> <p>11 payroll summary report at the point we're looking</p> <p>12 at -- 3-1-2016 to 5-31-2016, is that part of a</p> <p>13 quarter in a fiscal year or is that just how it --</p> <p>14 A. That's just how someone produced them, yes.</p> <p>15 Q. They just chose a start date and end date and that's</p> <p>16 how it came out?</p> <p>17 A. Yes.</p> <p>18 Q. Do you know -- how do I ask this? Exhibit 22, this</p> <p>19 is the employee check record. That's what comes</p> <p>20 from the accountant, right?</p> <p>21 A. Yes.</p> <p>22 Q. And on TWE669 --</p> <p>23 MR. THEUER: You're on Exhibit 25?</p> <p>24 MR. BLANCHARD: I'm on Exhibit 25.</p> <p>25 BY MR. BLANCHARD:</p>	<p>1 tell me which numbers on Exhibit 25 correspond to</p> <p>2 that gross pay number.</p> <p>3 A. I would have to look at a calendar because the check</p> <p>4 date would be the Thursday after the pay period</p> <p>5 ended and then it would go back.</p> <p>6 Q. The pay period ends on?</p> <p>7 A. On Sunday.</p> <p>8 Q. So four days after?</p> <p>9 A. So that would be the 10th. So it would have been</p> <p>10 week nine and week 10 on page 669.</p> <p>11 Q. So the 165.95 and the 213.85 numbers are a part of</p> <p>12 that gross pay?</p> <p>13 A. Yes.</p> <p>14 Q. And then also the credit card tips that were</p> <p>15 reported as 60.22 and 109.74 are also a part of that</p> <p>16 gross pay, right?</p> <p>17 A. Yes.</p> <p>18 Q. And then in Exhibit 25 there's a column for comp</p> <p>19 that we talked a lot about. It's the delivery fee</p> <p>20 money, right?</p> <p>21 A. Yes.</p> <p>22 Q. And remind me. I just read through the transcript</p> <p>23 for the prior deps last night. That's kind of all</p> <p>24 the delivery fee money except Laingsburg does not</p> <p>25 show up on there?</p>
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<p>1 Q. If we could look at that against the first page of</p> <p>2 Exhibit 22. That's what I'm trying to understand</p> <p>3 here. So 22 has a gross pay column for July 14th</p> <p>4 and July 28th of 2016 and that gross pay column is</p> <p>5 recorded and -- this is the accountant's stuff, so</p> <p>6 reported and taxed. It's made up of -- some of the</p> <p>7 numbers we see on Exhibit 25, that's what I'm trying</p> <p>8 to walk you through.</p> <p>9 A. Yes.</p> <p>10 Q. So, for instance, at 7-14-16 we have a total of</p> <p>11 590.46. Do you see that gross pay on Exhibit 22 for</p> <p>12 July 14th? Do you see that?</p> <p>13 A. It's 549.48.</p> <p>14 Q. I'm seeing 590.46 gross pay on July 14th.</p> <p>15 A. I have 549.48. Which employee are you looking at?</p> <p>16 Q. Oh, you're on the second page. You're right. I'm</p> <p>17 looking on the wrong page because that's not Chad</p> <p>18 McFarlin. So we're looking at the second page of</p> <p>19 this. It's TWE0246. You're absolutely right. For</p> <p>20 July 14th we've got 549.48 you're saying --</p> <p>21 A. Yes.</p> <p>22 Q. -- is the number on Exhibit 22 for that payroll</p> <p>23 period, right?</p> <p>24 A. Yes.</p> <p>25 Q. That's the gross pay. And the gross pay -- can you</p>	<p>1 A. Correct.</p> <p>2 Q. And the only way to get an accounting for the</p> <p>3 Laingsburg delivery fee is by looking at the</p> <p>4 actually delivery addresses?</p> <p>5 A. Yes.</p> <p>6 Q. So back to this. Exhibit 25, the comp for week nine</p> <p>7 and week 10, those numbers 31.50 and \$48 are not a</p> <p>8 part of this gross number --</p> <p>9 A. Correct.</p> <p>10 Q. -- that's recorded on Exhibit 22; is that right?</p> <p>11 A. Yes.</p> <p>12 Q. And those delivery fee numbers don't show up</p> <p>13 anywhere on this Exhibit 22; is that right?</p> <p>14 A. Right.</p> <p>15 Q. Well, let's see if it's the same thing. If we take</p> <p>16 Exhibit 20 now and look at your calculations, the</p> <p>17 curious question there that reminded me when I asked</p> <p>18 the other question, the delivery fees for</p> <p>19 Laingsburg, did you take those into account when you</p> <p>20 made this new spreadsheet thing?</p> <p>21 A. Yes.</p> <p>22 Q. And you did that again by looking at the actual</p> <p>23 addresses and trying to figure out well, if it's in</p> <p>24 Laingsburg we assume he got that extra pay for that,</p> <p>25 correct?</p>

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<p>1 A. Yes.</p> <p>2 Q. So this is the pay period for July 14th. Driver 3 commission paid, we have \$85 here. It's not on 4 Exhibit 22. We've established that. And on Exhibit 5 25 for those two weeks you have \$48 plus 31.50 is 6 79.50 that shows up on Exhibit 25. And would I be 7 correct in assuming that the difference between 8 79.50 that shows up on there and the \$85 that you 9 have on your spreadsheet you created, Exhibit 20, is 10 because of the Laingsburg deliveries?</p> <p>11 A. Yes.</p> <p>12 Q. Cool. So we've talked about all these payment 13 components really on all these exhibits, but I'll 14 focus on Exhibit 20. All these different components 15 of compensation that you testified, is there any 16 particular one of them that the defendant can point 17 to as intended to reasonably compensate delivery 18 drivers for the expenses incurred in driving their 19 cars?</p> <p>20 A. It is all a package deal.</p> <p>21 MR. BLANCHARD: Thanks. I don't have anything 22 further. Do you want to follow-up?</p> <p>23 MR. THEUER: No. I think I have nothing.</p> <p>24 * * * * *</p> <p>25 (Deposition concluded at 3:36 p.m.)</p>	
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<p>1 STATE OF MICHIGAN) 2 COUNTY OF OAKLAND) 3 CERTIFICATE OF NOTARY PUBLIC 4 AND COURT REPORTER</p> <p>5 I, BARBARA PHILLIPS, Notary Public in 6 and for the County of Oakland, State of 7 Michigan, do hereby certify that the witness 8 whose attached deposition was taken before me 9 was first duly sworn to testify to the truth, 10 the whole truth and nothing but the truth; 11 that thereupon the foregoing questions were 12 asked and the foregoing answers were made by 13 the witness, which were duly recorded by me 14 electronically; and were reduced to 15 typewritten form by computer-aided 16 transcription under my direction; and that 17 this is, to the best of my knowledge and 18 belief, a true and correct transcript of my 19 electronic records so taken.</p> <p>20 I further certify that I am neither of 21 counsel to either party, nor interested in the 22 events of this cause.</p> <p>23  24 Barbara Phillips, #5598 Notary Public, Oakland County, MI 25 My Commission Expires: 11-27-2018</p>	
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